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CHANDIGARH ADMINISTRATION
ENGINEERING DEPARTMENT

Notification

The 3rd January, 2025

No. A-3/2025/03.—Whereas the Chandigarh Administration is in the process of privatization of the Electricity Wing of the Engineering Department of Union Territory of Chandigarh.

Therefore, in exercise of the powers conferred under sub section (5) of Section 20 of "The Rights of Persons with Disabilities (49 of 2016) Act, 2016" read with Government of India, Ministry of Home Affairs, Notification S.O. No.3870(E) dated 12.12.2017, the Administrator of Union Territory, Chandigarh is pleased to make the policy to adjust all the differently abled employees of the Electricity Wing of the Engineering Department in the other Wings of the Engineering Department of Chandigarh Administration as under :-

1. SHORT TITLE AND COMMENCEMENT :

(i) This policy may be called the "**ADJUSTMENT POLICY FOR PERSONS WITH DISABILITIES (PwBD) OF ELECTRICITY WING OF ENGINEERING DEPARTMENT, UT, CHANDIGARH, 2025**".

(ii) This shall come into force from the date of publication in the official gazette.

2. APPLICATION :

This policy shall only apply to the differently abled employees of Electricity Wing of the Engineering Department of Union Territory, Chandigarh holding permanent post in Group 'A', 'B', 'C' and 'D' who falls within the ambit of "The Rights of Persons with Disabilities Act, 2016"

3. NUMBER OF POSTS, CLASSIFICATION AND SCALE OF PAY :

The number of the posts held by differently abled employees, their classification and the scale of pay is specified in the Schedule annexed to the policy. However, in case any employee acquires any disability before the privatization process of Electricity Wing of the Engineering Department of Union Territory of Chandigarh is finalized and comes within the definition of persons with disability under the Act of 2016 then such an employee shall also be adjusted in accordance with the present policy.

4. VACANCY :

The differently abled employees working against Group 'A', Group 'B', Group 'C' and Group 'D' posts in the Electricity Wing would be adjusted on priority against the posts presently lying vacant in the different wings of the Engineering Department of Chandigarh Administration. The adjustment should be made against identical posts. While making adjustment of such differently abled employees no minimum qualification or test may be prescribed as it is not a case of fresh appointment.

(9)

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Provided that where a differently abled employees is already holding an equivalent post with substantially identical duties on a regular basis, he will not be treated as unsuitable for adjustment against a post, merely on grounds of not possessing the requisite educational or technical qualifications as prescribed for appointment thereto, if he has satisfactory completed probation therein or if he was not required to be placed on probation, his performance there in during the preceding period of not less than two years has been reported to be satisfactory.

5. PAY SCALE :

The differently abled employees of the Electricity Wing shall be adjusted to such post having either the same pay scale or matching pay scale and service benefits. The pay/salary being drawn by such differently abled employees will be protected as a measure personal to them.

For the purpose of above clause, a matching pay-sale mean a pay-scale the maximum of which is equal to that of the pay-scale of differently abled employee, and the minimum of which is not higher than the basic pay which the differently abled employee is in receipt of at the time of making their adjustment.

Provided further that if it is not possible to adjust the employee against any post, he/she may be kept on a supernumerary post. Since, supernumerary post is created for accommodating an officer/ official till he is absorbed in a regular post, it should not be created for an indefinite period. Further, the supernumerary post is personal to the officer/official for whom it is created and no other officer can be appointed against such a post. It stands abolished as soon as the officer for whom it was created vacates it on account of retirement or is accommodated in another regular post. In other words, no officiating arrangements can be made against such a post.

6. SENIORITY :

The previous service rendered by the differently abled employees in the Electricity Wing of the Engineering Department shall not be counted for the purpose of seniority in the transferred Wings of the Engineering Department meaning thereby the differently abled employee shall have no claim to count his past service towards fixation of seniority in the post in which he is adjusted and they shall be placed on the bottom of seniority in order to avoid any litigation raised by the regular employees working in the cadre.

However, such differently abled employees on their adjustment would cover under the relevant rules/instructions applicable in the transferred wing of the Engineering Department for promotion and would be given the benefit of further promotion after taking into account their seniority, experience etc. in order to make further avenue of promotion for them.

7. BENEFITS OF PAST SERVICE :

All benefits of the services rendered by the differently abled employees in the Electricity Wing of the Engineering Department shall be protected and shall be given full effect except seniority.

The period of service rendered by such differently abled employees under the Electricity Wing of the Engineering Department shall be treated as continuous service for the purpose of all benefits as well as terminal benefits including pension as well as New Pension Scheme as was admissible to them during their previous terms and conditions of appointment or any amendment issued by the Chandigarh Administration.

8. EXERCISE OF OPTION :

The differently abled employees of the Electricity Wing in the Engineering Department are required to exercise an option for their adjustment in different wings of the Engineering Departments of the Chandigarh Administration against an identical post subject to the terms and conditions settled with them by the concerned wing where the employee would be adjusted in accordance with the present policy.

(Sd.) . . . ,

SECRETARY ENGINEERING,
CHANDIGRH ADMINISTRATION

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT**Notification**

The 30th December, 2024

No. 13/1/9758-HII(2)-2024/19589.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **106/2020** dated **07.11.2024** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

CHANDIGARH MEDICAL REPRESENTATIVE ASSOCIATION (CMRA), REGD. OFF. 3200/2, SECTOR 44-D, CHANDIGARH. (Workman)

AND

1. M/S RECKITT BENCKISER INDIA PVT. LTD., 3RD FLOOR, TOWER 3A, DLF CORPORATE PARK, NEAR GURU DRONACHARYA METRO STATION, GURUGRAM, HARYANA - 122002 THROUGH ITS MANAGING DIRECTOR.
2. M/S RECKITT BENCKISER INDIA PVT. LTD., EXECUTIVE CENTER, LEVEL 3B, DLF CENTER, SANSAD MARG, CONNAUGHT PALACE, NEW DELHI - 110001. (Managements)

ORDER

1. In the matter of Industrial Dispute Reference under Section 2(k) of the Industrial Disputes Act, 1947 (*here-in-after in short called 'ID Act'*), on 25.11.2021 authorised Representative on behalf of M/s Reckitt Benckiser (India) Pvt. Ltd. filed an application seeking its deletion from the array of parties.

2. In the application it is submitted that claimant-union (*here-in-after 'association'*) raised the dispute before the Conciliation Officer and filed its statement of claim wherein the respondent was impleaded as respondent. Since, there is no relationship of employer and employee between the respondent (*here-in applicant*) and the claimant (*here-in-after 'workman'*), the notice of the conciliation proceedings was forwarded to M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. who is the employer of the workman. M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd., the employer of the workman filed its written statement before the Conciliation Officer, wherein it was brought to his knowledge that there is no relationship of employer and employee between M/s Reckitt Benckiser (India) Pvt. Ltd. and the concerned employee Mr. Mahesh Chaudhary and the dispute raised against the said Company, who is a stranger and a separate entity, is not maintainable and liable to be rejected. In spite of the above correct factual position placed on record by M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd., before the Conciliation Officer, which fact has not been denied by the association, still reference has been made in the matter wherein M/s Reckitt Benckiser (India) Pvt. Ltd., the applicant has been made party to the dispute. In the absence of relation of employer-employee between the applicant / respondent and the concerned employee, the workman neither a 'workman' within the meaning of Section 2(s) of the ID Act nor the present dispute is an 'industrial dispute' within the meaning of Section 2(k) of the ID Act as regard the applicant. The present reference has been made by the Appropriate Government in a mechanical manner without application of mind, ignoring very important factual aspect that the applicant is not the employer of the workman, the same is not maintainable. Even otherwise no award can be passed against the applicant, who is a stranger, different and separate legal entity and the workman not being its employee, no relief can be granted in favour of the workman against the applicant/respondent and no award even if passed would be enforceable against the applicant/respondent. Prayer is made that in view of the submissions made above, the applicant/respondent may be deleted from the array of parties to the present dispute.

3. Along with the application the applicant-respondent has placed on record copy of the written statement filed by M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. in the proceedings before the Assistant Labour Commissioner-cum-Conciliation Officer, Chandigarh.

4. On notice, association contested the application by filing written reply on 06.09.2024 wherein preliminary objections are raised on the ground that the application filed by the applicant-respondent is misleading wherein it is alleged that Mahesh Chaudhary is a stranger for the applicant/respondent. On the other hand, on 16.12.2021 applicant / respondent issued a letter to Mahesh Chaudhary, advising him to report for duty. The copy of letter is enclosed vide Annexure 'A'. The present application is not maintainable as the same issue has been rejected and decided in favour of the workman by this Court in Reference No.56/2021 titled as The President / General Secretary, Chandigarh Medical Representative Versus M/s Bharat Serums and Vaccines Limited & Another vide Award dated 02.08.2023 and the copy of the Award is enclosed as Annexure 'B'. Besides, the applicant / respondent has not approached this Court with clean hands and concealed the true facts intentionally and deliberately, to get favourable order. This application is an abuse of the process of law and has been filed by the applicant/respondent to stanch the matter as per applicant / respondent's wishes and will.

5. Further in para-wise reply it is stated that the contents of para 1 to 5 are wrong and denied being baseless and concocted story. The present dispute has been raised by the Chandigarh Medical Representative Associations (CMRA) regarding the grievance of their colleague Mahesh Chaudhary. The CMRA is registered under Trade Union Act vide No.663 and has authority to raise any industrial dispute regarding their colleagues with their consent. The same issue has been rejected and decided in favour of the workman by this Court in Reference No.56/2021 vide Award dated 02.08.2023. It is prayed that the present application is liable to be dismissed with heavy cost.

6. Along with the reply, the association has placed on record photocopy of letter dated 16.12.2021 issued from Reckitt Benckiser Healthcare (India) Pvt. Ltd. to Mr. Mahesh Chaudhary in reference to his letter dated 25.11.2021 vide Annexure 'A' and copy of Gazette Notification dated 27.09.2023 of Chandigarh Administration wherein the Award dated 11.09.2023 passed by this Court in IDR No.56/2021 has been published vide Annexure 'B'.

7. On dated 27.09.2024 workman filed an application seeking to implead M/s Reckitt Benckiser Healthcare India, Managing Director and Company Secretary of M/s Reckitt Benckiser Healthcare India Pvt. Ltd. as party to the industrial dispute reference.

8. I have heard the arguments of Learned Representatives for the parties and perused the judicial file.

9. During the course of arguments Learned Representatives for the parties have taken similar stand as taken by them in application and reply respectively.

10. In the present case, The Chandigarh Medical Representative Association (CMRA) has raised an industrial dispute against M/s Reckitt Benckiser (India) Pvt. Ltd., by issuing demand notice dated 17.07.2019 before the Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh. From the copy of the written statement placed on record by the applicant / respondent, it is made out that the proceedings before the Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh relating to demand notice dated 17.07.2019 were contested by M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. by filing written statement. In the said written statement preliminary objection was raised on various grounds including one of the ground that the employee is employed with M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. not with M/s Reckitt Benckiser (India) Pvt. Ltd. The conciliation proceedings failed and the Secretary Labour, Chandigarh

Administration vide order No.13/1/9758-HII(2)-2020/15819 dated 14.12.2020 bearing endorsement No.13/1/9758-HII(2)-2020/15820 dated 14.12.2020 referred the following matter to this Court for adjudication :-

"Whether the demand raised in the demand notice dated 17.07.2019 by Chandigarh Medical Representative Association (CMRA), Regd. Off. 3200/2, Sector 44-D, Chandigarh AND The Management(s) of M/s Reckitt Benckiser India Pvt. Ltd., 3rd Floor, Tower 3A, DLF Corporate Park, New Guru Dronacharya Metro Station, Gurugram, Haryana - 122002 (through its Managing Director) & M/s Reckitt Benckiser India Pvt. Ltd., Executive Centre, Level 3B, DLF Center, Sansad Marg, Connaught Palace, New Delhi - 110001) are genuine and justified. If so, to what effect and to what relief the Union/Workers are entitled to, if any ?"

11. In reply to the present application, the association has alleged that on 16.12.2021 the applicant-respondent had issued a letter (Annexure 'A') to the workman-Mahesh Chaudhary advising him to report on duty. Except Annexure 'A' there is no other document on record which is issued to the workman by its employer. The careful scrutiny of Annexure 'A' would show that the same has been issued to workman Mahesh Chaudhary on 16.12.2021 by authorised signatory of M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. located at DLF, Cyber Park, 6th & 7th Floor (Tower 'C'), 405B, Udyog Vihar, Phase - III, Sector 20, Gurugram, Pincode : 122016. Whereas, in the present case, the association has impleaded M/s Reckitt Benckiser (India) Pvt. Ltd. through its MD (management No.1) and through its Regional Manager (management No.2), which has entity different from M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. From the authority letter filed by the Authorised Representative in this case on behalf of the management of M/s Reckitt Benckiser (India) Pvt. Ltd., it is made out that the same has been issued by authorised signatory for M/s Reckitt Benckiser (India) Pvt. Ltd. The authority letter incorporates that RB refer to entities in the Reckitt Benckiser Group, Group of companies. Reckitt Benckiser (India) Pvt. Ltd. formerly known as M/s Reckitt Benckiser (India) Ltd., registered office Plot No.48, Sector 32, Institutional Area, Gurugram - 122001. Thus, the address of Reckitt Benckiser Group, Group of companies Reckitt Benckiser (India) Pvt. Ltd. formerly known as M/s Reckitt Benckiser (India) Ltd., is different from the address of M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. All the facts mentioned above would show that M/s Reckitt Benckiser (India) Pvt. Ltd. and M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. are two different entities. As discussed above, from Annexure 'A1' it is made out that M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. has written a letter to workman Mahesh Chaudhary to report on duty. Thus, the workman has no cause of action against M/s Reckitt Benckiser (India) Pvt. Ltd. and the claim qua M/s Reckitt Benckiser (India) Pvt. Ltd. is not maintainable on the ground mis-joinder of party. As far as the Award annexure 'B' passed by this Court is concerned, the same is not relevant to this application.

12. In view of the reasons recorded above, the present application is allowed. The other application dated 27.09.2024 filed on behalf of the association seeking to implead MD, Managing Director and Company Secretary of M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. is declined as Association did not raise any demand notice qua M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. Consequently, the industrial dispute reference received by this Tribunal / Court vide endorsement No.13/1/9758-HII(2)-2020/15820 dated 14.12.2020 is declined being not maintainable qua the M/s Reckitt Benckiser (India) Pvt. Ltd. However, the association is at liberty to seek remedy by raising industrial dispute separately against M/s Reckitt Benckiser Healthcare (India) Pvt. Ltd. Appropriate Government be informed. File be consigned to the record room.

(Sd.) . . . ,

(JAGDEEP KAUR VIRK)

PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0152

Dated : 07.11.2024.

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 30th December, 2024

No. 459079-HII(2)-2024/19603.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **56/2024** dated **28.11.2024** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

KESHAV S/O SH. PADAM BAHADUR, R/O HOUSE NO.1538, SECTOR 36-D, CHANDIGARH.
(Workman)

AND

M/S DESH SEWAK ASSOCIATION, SECTOR 29-D, CHANDIGARH THROUGH ITS
MANAGING DIRECTOR (Management)

AWARD

1. Vide Endorsement No.459079-HII(2)-2024/14732 Dated 23.09.2024 the Secretary Labour, Chandigarh Administration has referred the dispute to this Court / Tribunal on the claim application filed by Keshav (*here-in-after referred "workman"*) to M/s Desh Sewak Association (*here-in-after referred "management"*) under Section 17(1) of the Working Journalists & Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955 (*here-in-after in short referred "Act 1955"*) in following words :-

"Whether the arrears of revision of pay to Sh. Keshav, S/o Sh. Padam Bahadur, R/o House No. 1538, Sector 36-D, Chandigarh (Applicant/Claimant) AND M/s Desh Sewak Association, Sector 29-D, Chandigarh Through its Managing Director (Management) according to the recommendations of the Majithia Wage Board and also as per the direction of the Hon'ble Supreme Court of India under The Working Journalists And Other Newspaper Employees (Conditions of Service) And Miscellaneous Provision Act, 1955 and in compliance of the orders dated 28.04.2015, 12.01.2016, 14.03.2016, 23.08.2016 passed by the Hon'ble Supreme Court of India in CCP No.128/2015 and 129/2015 AND Writ Petition (Civil) 246/2011 dated 07.02.2014; if so, to what effect and to what relief he is entitled to, if any ?"

2. Upon notice, the workman appeared in person and thereafter the workman appeared through his Representative Shri Subhash Talwar. Briefly stated the averments of claim application are that the workman-applicant is working as Helper in the Administration Department of Desh Sewak Printers having its Registered Office at Sector 29-D, Chandigarh on a monthly wages of ₹13,871/- including all perks and allowances. The workman-applicant is regular employee of the respondent-management. On account of revision of pay and other allowances accrued on the acceptance of Majithia Wage Board Recommendations, which were accepted by the Government of India and notified in the Gazette of India on 11.11.2011, a substantial amount is due from Desh Sewak Printers Limited (management-respondent) and as such the workman-applicant is fully competent to invoke the jurisdiction of Assistant Labour Commissioner-cum-Conciliation Officer vested under Section

17(1) of the Act 1955. There is no complaint against the work and conduct of the workman-applicant. His work and conduct is appreciated by all his colleagues and superiors. The workman-applicant is regularly getting benefits payable under different Acts and Provisions. The services of the workman-applicant are regulated under the Act 1955 which was enacted to regulate the certain conditions of service of working journalists and other employees employed in the Newspaper Establishment. As per notification dated 11.11.2011, it is apparent that employees have been categorized in groups and as such the workman-applicant being Helper falls within the ambit of Group-4 Factory Staff of the Schedule III (Grouping of non-journalist newspapers employees factory staff which is evident at Page 33 and 37 of the Report). The workman-applicant along with other employees of the respondent-management through their Union have been demanding payment of arrears of wages as per the Majithia Wage Board Recommendations. The demand of employees has not been acceded by the respondent-management. The amount which is liable to be recovered from the respondent-management based on revised pay on the basis of Majithia Wage Board Recommendations is the legitimate and legal dues of the applicant-workman and as such the applicant-workman is legally entitled to receive the same. The workman-applicant got his arrears calculated by a competent Chartered Accountant as per Majithia Wage Board Recommendations w.e.f 11.11.2011 to 31.12.2017. As such, the total amount of ₹ 3,53,825/- excluding interest is due from the management-respondent. The management-respondent is intentionally and deliberately not implementing the recommendations of Majithia Wage Board despite of the regular demand of the employees. Prayer is made that management-respondent may be directed to implement the recommendations of Majithia Wage Board and the workman-applicant may be paid a sum of ₹ 3,53,825/- as arrears of wages along with interest @12% per annum from the date of accrual till actual realisation.

3. Notice issued to the management-respondent through ordinary process for dated 04.11.2024 was received back executed through Shri Umed Singh, Clerk but none appeared on behalf of the management-respondent. Thus, vide order dated 04.11.2024, the management-respondent was proceeded against ex-parte.

4. In ex-parte evidence workman-applicant Keshav examined himself as AW1 and tendered his affidavit Exhibit 'AW1/1' along with fitment chart accompanied with calculation sheet (colly consisting of 3 pages) vide Exhibit 'W1' and closed his evidence.

5. I have heard the arguments of Learned Representative for the workman-applicant and perused the Judicial file.

6. In order to prove the issue framed in the Reference Order dated 06.09.2024 referred vide Endorsement No.459079-HII(2)-2024/14732 Dated 23.09.2024, workman-applicant examined himself as his own witness as AW1 and vide his affidavit Exhibit 'AW1/A' deposed that he was working as Clerk in Desh Sewak Daily having its registered office at Sector 29-D, Chandigarh since 22.12.1995 and his services were illegally and wrongly terminated by the management on 24.01.2020 and for his reinstatement he has raised an industrial dispute which is pending before the Industrial Tribunal-cum-Labour Court, U.T. Chandigarh. At the time of termination, he was drawing a monthly wages of ₹ 14,729/- including all perks and allowances. He was a regular employee of the management. In his remaining testimony, AW1 deposed the entire averments of claim application in toto which are not reproduce here for the sake of brevity. AW1 supported his oral version with document Exhibit 'W1'.

7. From the oral as well as documentary evidence led by the workman-applicant, it comes out that the workman-applicant was working with the respondent-management as Clerk since 22.12.1995. The services of the workman-applicant were terminated on 24.01.2020. The last drawn monthly wages of workman-

applicant were ₹ 14,729/- including all perks and allowances. The workman-applicant was regular employee of the management-respondent which is a newspaper publication establishment. The services of the workman-applicant were governed by Act, 1955. The recommendations of Majithia Wage Board recommended revised rate of wages for working Journalists and Non-Journalists employees of all newspaper establishments which were notified in the Central Government Gazette on 11.11.2011. Thus, the notification dated 11.11.2011 is applicable to the workman-applicant. The workman-applicant has alleged that he falls in Group-6 of the schedule-III of the notification. The workman-applicant alleged that he has been paid monthly wages less than the wages fixed under the Majithia Wage Board recommendations. Despite his regular demand, the management-respondent did not pay the difference of wages as calculated in the fitment chart and calculation sheet Exhibit 'W1' for the period December, 2011 to December, 2017. The above-mentioned version of AW1 supported with Exhibit 'W1' has gone unrebutted and unchallenged as despite service of notice, the management-respondent did not bother to contest the claim application and preferred to be proceeded against ex-parte. There is no reason to disbelieve the evidence led by the workman-applicant. The workman is entitled to recover the difference of arrears of wages as per the Majithia Wage Board recommendations for the period w.e.f 11.11.2011 to 31.12.2017.

8. In view of the discussion made above, this industrial dispute is ex-parte allowed and answered in favour of the workman to the effect that the workman is held entitled to recover the difference of arrears of wages as per the Majithia Wage Board recommendations for the period w.e.f 11.11.2011 to 31.12.2017. The management is directed to comply with the Award within three months from the date of publication of the same in Government Gazette failing which the management shall be liable to pay interest at the rate 8% per annum on the amount of consequential benefits from the date of this Award till its actual realisation. Appropriate Government be informed. Copy of this Award be also sent to Learned District Judge, Chandigarh in view of Sub-section 10 of Section 11 of the Industrial Disputes (Amendment) Act, 2010 for onward transmission of the same to concerned Civil Court. File be consigned to the record room.

(Sd.) . . . ,

(JAGDEEP KAUR VIRK)

PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0152

Dated : 28.11.2024.

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT**Notification**

The 30th December, 2024

No. 459077-HII(2)-2024/19605.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **59/2024** dated **28.11.2024** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

SARITA KUMARI W/O SH. ANIL KUMAR, R/O HOUSE NO.2280/2, SECTOR 37-C, CHANDIGARH. (Workman)

AND

M/S DESH SEWAK ASSOCIATION, SECTOR 29-D, CHANDIGARH THOUGHT ITS MANAGING DIRECTOR (Managements)

AWARD

1. Vide Endorsement No.459077-HII(2)-2024/14740 Dated 23.09.2024 the Secretary Labour, Chandigarh Administration has referred the dispute to this Court / Tribunal on the claim application filed by Sarita Kumari (*here-in-after referred "workman"*) to M/s Desh Sewak Association (*here-in-after referred "management"*) under Section 17(1) of the Working Journalists & Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955 (*here-in-after in short referred "Act 1955"*) in following words :-

"Whether the arrears of revision of pay to Smt. Sarita Kumari, W/o Sh. Anil Kumar, R/o House No. 2280/2, Sector 37-C, Chandigarh (Applicant/Claimant) AND M/s Desh Sewak Association, Sector 29-D, Chandigarh Through its Managing Director (Management) according to the recommendations of the Majithia Wage Board and also as per the direction of the Hon'ble Supreme Court of India under The Working Journalists And Other Newspaper Employees (Conditions of Service) And Miscellaneous Provision Act, 1955 and in compliance of the orders dated 28.04.2015, 12.01.2016, 14.03.2016, 23.08.2016 passed by the Hon'ble Supreme Court of India in CCP No.128/2015 and 129/2015 AND Writ Petition (Civil) 246/2011 dated 07.02.2014; if so, to what effect and to what relief he is entitled to, if any ?"

2. Upon notice, the workman appeared through her Representative Shri Subhash Talwar. Briefly stated the averments of claim application are that the workman-applicant is working as Sub-Editor in the Editorial Department of Desh Sewak Printers having its Registered Office at Sector 29-D, Chandigarh on a monthly wages of ₹ 12,928/- including all perks and allowances. The workman-applicant is regular employee of the respondent-management. On account of revision of pay and other allowances accrued on the acceptance of Majithia Wage Board Recommendations, which were accepted by the Government of India and notified in the Gazette of India on 11.11.2011, a substantial amount is due from Desh Sewak Printers Limited (management-respondent) and as such the workman-applicant is fully competent to invoke the jurisdiction of Assistant Labour Commissioner-cum-Conciliation Officer vested under Section 17(1) of the Act 1955. There

is no complaint against the work and conduct of the workman-applicant. Her work and conduct is appreciated by all her colleagues and superiors. The workman-applicant is regularly getting benefits payable under different Acts and Provisions. The services of the workman-applicant are regulated under the Act 1955 which was enacted to regulate the certain conditions of service of working journalists and other employees employed in the Newspaper Establishment. As per notification dated 11.11.2011, it is apparent that employees have been categorized in groups and as such the workman-applicant being Sub-Editor falls within the ambit of Group-4 Factory Staff of the Schedule III (Grouping of non-journalist newspapers employees factory staff which is evident at Page 33 and 37 of the Report). The workman-applicant along with other employees of the respondent-management through their Union have been demanding payment of arrears of wages as per the Majithia Wage Board Recommendations. The demand of employees has not been acceded by the respondent-management. The amount which is liable to be recovered from the respondent-management based on revised pay on the basis of Majithia Wage Board Recommendations is the legitimate and legal dues of the applicant-workman and as such the applicant-workman is legally entitled to receive the same. The workman-applicant got her arrears calculated by a competent Chartered Accountant as per Majithia Wage Board Recommendations w.e.f 11.11.2011 to 31.12.2017. As such, the total amount of ₹ 3,93,824/- excluding interest is due from the management-respondent. The management-respondent is intentionally and deliberately not implementing the recommendations of Majithia Wage Board despite of the regular demand of the employees. Prayer is made that management-respondent may be directed to implement the recommendations of Majithia Wage Board and the workman-applicant may be paid a sum of ₹ 3,93,824/- as arrears of wages along with interest @12% per annum from the date of accrual till actual realisation.

3. Notice issued to the management-respondent through ordinary process for dated 04.11.2024 was received back executed through Shri Umed Singh, Clerk but none appeared on behalf of the management-respondent. Thus, vide order dated 04.11.2024, the management-respondent was proceeded against ex-parte.

4. In ex-parte evidence workman-applicant Sarita Kumari examined herself as AW1 and tendered her affidavit Exhibit 'AW1/1' along with fitment chart accompanied with calculation sheet (colly consisting of 3 pages) vide Exhibit 'W1' and closed her evidence.

5. I have heard the arguments of Learned Representative for the workman-applicant and perused the Judicial file.

6. In order to prove the issue framed in the Reference Order dated 06.09.2024 referred vide Endorsement No.459077-HII(2)-2024/14740 Dated 23.09.2024, workman-applicant examined herself as her own witness as AW1 and vide her affidavit Exhibit 'AW1/A' deposed that she was working as Sub-Editor in Desh Sewak Association having its registered office at Sector 29-D, Chandigarh since 03.08.1998 and her services were illegally and wrongly terminated by the management on 30.05.2017 and for her reinstatement she has raised an industrial dispute which is pending before the Industrial Tribunal-cum-Labour Court, U.T. Chandigarh. At the time of termination, she was drawing a monthly wages of ₹ 12,928/- including all perks and allowances. She was a regular employee of the management. In her remaining testimony, AW1 deposed the entire averments of claim application in toto which are not reproduce here for the sake of brevity. AW1 supported her oral version with document Exhibit 'W1'.

7. From the oral as well as documentary evidence led by the workman-applicant, it comes out that the workman-applicant was working with the respondent-management as Sub-Editor since 03.08.1998. The services of the workman-applicant were terminated on 30.05.2017. The last drawn monthly wages of workman-

applicant were ₹ 12,928/- including all perks and allowances. The workman-applicant was regular employee of the management-respondent which is a newspaper publication establishment. The services of the workman-applicant were governed by Act, 1955. The recommendations of Majithia Wage Board recommended revised rate of wages for working Journalists and Non-Journalists employees of all newspaper establishments which were notified in the Central Government Gazette on 11.11.2011. Thus, the notification dated 11.11.2011 is applicable to the workman-applicant. The workman-applicant has alleged that she falls in Group-6 of the schedule-III of the notification. The workman-applicant alleged that he has been paid monthly wages less than the wages fixed under the Majithia Wage Board recommendations. Despite her regular demand, the management-respondent did not pay the difference of wages as calculated in the fitment chart and calculation sheet Exhibit 'W1' for the period December, 2011 to May, 2017. The above-mentioned version of AW1 supported with Exhibit 'W1' has gone unrebutted and unchallenged as despite service of notice, the management-respondent did not bother to contest the claim application and preferred to be proceeded against ex-parte. There is no reason to disbelieve the evidence led by the workman-applicant. The workman is entitled to recover the difference of arrears of wages as per the Majithia Wage Board recommendations for the period w.e.f 11.11.2011 to 31.05.2017.

8. In view of the discussion made above, this industrial dispute is ex-parte allowed and answered in favour of the workman to the effect that the workman is held entitled to recover the difference of arrears of wages as per the Majithia Wage Board recommendations for the period w.e.f 11.11.2011 to 31.05.2017. The management is directed to comply with the Award within three months from the date of publication of the same in Government Gazette failing which the management shall be liable to pay interest at the rate 8% per annum on the amount of consequential benefits from the date of this Award till its actual realisation. Appropriate Government be informed. Copy of this Award be also sent to Learned District Judge, Chandigarh in view of Sub-section 10 of Section 11 of the Industrial Disputes (Amendment) Act, 2010 for onward transmission of the same to concerned Civil Court. File be consigned to the record room.

(Sd.) . . . ,

(JAGDEEP KAUR VIRK)

PRESIDING OFFICER,

Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.

UID No. PB0152

Dated : 28.11.2024.

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 30th December, 2024

No. 459062-HII(2)-2024/19607.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 65/2024 dated 28.11.2024 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

HOSHIAR SINGH S/O SH. KASHMIR SINGH, R/O HOUSE NO.1571, RAM DARBAR, PHASE - II, CHANDIGARH. (Workman)

AND

M/S DESH SEWAK ASSOCIATION, SECTOR 29-D, CHANDIGARH THROUGH ITS MANAGING DIRECTOR. (Management)

AWARD

1. Vide Endorsement No.459062-HII(2)-2024/14772 Dated 23.09.2024 the Secretary Labour, Chandigarh Administration has referred the dispute to this Court / Tribunal on the claim application filed by Hoshiar Singh (*here-in-after referred "workman"*) to M/s Desh Sewak Association (*here-in-after referred "management"*) under Section 17(1) of the Working Journalists & Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955 (*here-in-after in short referred "Act 1955"*) in following words :-

"Whether the arrears of revision of pay to Sh. Hoshiar Singh, S/o Sh. Kashmir Singh, R/o House No. 1571, Ram Darbar, Phase - II, Chandigarh (Applicant/Claimant) AND M/s Desh Sewak Association, Sector 29-D, Chandigarh Through its Managing Director (Management) according to the recommendations of the Majithia Wage Board and also as per the direction of the Hon'ble Supreme Court of India under The Working Journalists And Other Newspaper Employees (Conditions of Service) And Miscellaneous Provision Act, 1955 and in compliance of the orders dated 28.04.2015, 12.01.2016, 14.03.2016, 23.08.2016 passed by the Hon'ble Supreme Court of India in CCP No.128/2015 and 129/2015 AND Writ Petition (Civil) 246/2011 dated 07.02.2014; if so, to what effect and to what relief he is entitled to, if any ?"

2. Upon notice, the workman appeared through his Representative Shri Subhash Talwar. Briefly stated the averments of claim application are that the workman-applicant is working as Electrician in Electrical Department of Desh Sewak Printers having its Registered Office at Sector 29-D, Chandigarh on a monthly wages of `13,871/- including all perks and allowances. The workman-applicant is regular employee of the respondent-management. On account of revision of pay and other allowances accrued on the acceptance of Majithia Wage Board Recommendations, which were accepted by the Government of India and notified in the Gazette of India on 11.11.2011, a substantial amount is due from Desh Sewak Printers Limited (management-respondent) and as such the workman-applicant is fully competent to invoke the jurisdiction of Assistant Labour Commissioner-cum-Conciliation Officer vested under Section 17(1) of the Act 1955. There is no complaint against the work and conduct of the workman-applicant. His work and conduct is appreciated by all his colleagues and superiors. The workman-applicant is regularly getting benefits payable under different

Acts and Provisions. The services of the workman-applicant are regulated under the Act 1955 which was enacted to regulate the certain conditions of service of working journalists and other employees employed in the Newspaper Establishment. As per notification dated 11.11.2011, it is apparent that employees have been categorized in groups and as such the workman-applicant being Electrician falls within the ambit of Group-4 Factory Staff of the Schedule III (Grouping of non-journalist newspapers employees factory staff which is evident at Page 33 and 37 of the Report). The workman-applicant along with other employees of the respondent-management through their Union have been demanding payment of arrears of wages as per the Majithia Wage Board Recommendations. The demand of employees has not been acceded by the respondent-management. The amount which is liable to be recovered from the respondent-management based on revised pay on the basis of Majithia Wage Board Recommendations is the legitimate and legal dues of the applicant-workman and as such the applicant-workman is legally entitled to receive the same. The workman-applicant got his arrears calculated by a competent Chartered Accountant as per Majithia Wage Board Recommendations w.e.f 11.11.2011 to 31.12.2017. As such, the total amount of ₹ 3,02,890/- excluding interest is due from the management-respondent. The management-respondent is intentionally and deliberately not implementing the recommendations of Majithia Wage Board despite of the regular demand of the employees. Prayer is made that management-respondent may be directed to implement the recommendations of Majithia Wage Board and the workman-applicant may be paid a sum of ₹ 3,02,890/- as arrears of wages along with interest @12% per annum from the date of accrual till actual realisation.

3. Notice issued to the management-respondent through ordinary process for dated 04.11.2024 was received back executed through Shri Umed Singh, Clerk but none appeared on behalf of the management-respondent. Thus, vide order dated 04.11.2024, the management-respondent was proceeded against ex-parte.

4. In ex-parte evidence workman-applicant Hoshiar Singh examined himself as AW1 and tendered his affidavit Exhibit 'AW1/1' along with fitment chart accompanied with calculation sheet (colly consisting of 3 pages) vide Exhibit 'W1' and closed his evidence.

5. I have heard the arguments of Learned Representative for the workman-applicant and perused the Judicial file.

6. In order to prove the issue framed in the Reference Order dated 06.09.2024 referred vide Endorsement No.459062-HII(2)-2024/14772 Dated 23.09.2024, workman-applicant examined himself as his own witness as AW1 and vide his affidavit Exhibit 'AW1/A' deposed that he was working as Binder in Desh Sewak Printers having its registered office at Sector 29-D, Chandigarh since 01.01.1999 and his services were illegally and wrongly terminated by the management on 24.01.2020 and for his reinstatement he has raised an industrial dispute which is pending before the Industrial Tribunal-cum-Labour Court, U.T. Chandigarh. At the time of termination, he was drawing a monthly wages of ₹ 15,495/- including all perks and allowances. He was a regular employee of the management. In his remaining testimony, AW1 deposed the entire averments of claim application in toto which are not reproduce here for the sake of brevity. AW1 supported his oral version with document Exhibit 'W1'.

7. From the oral as well as documentary evidence led by the workman-applicant, it comes out that the workman-applicant was working with the respondent-management as Binder since 01.01.1999. The services of the workman-applicant were terminated on 24.01.2020. The last drawn monthly wages of workman-applicant were ₹ 15,495/- including all perks and allowances. The workman-applicant was regular employee of the management-respondent which is a newspaper publication establishment. The services of the workman-applicant were governed by Act, 1955. The recommendations of Majithia Wage Board recommended revised rate of wages for working Journalists and Non-Journalists employees of all newspaper

establishments which were notified in the Central Government Gazette on 11.11.2011. Thus, the notification dated 11.11.2011 is applicable to the workman-applicant. The workman-applicant has alleged that he falls in Group-6 of the schedule-III of the notification. The workman-applicant alleged that he has been paid monthly wages less than the wages fixed under the Majithia Wage Board recommendations. Despite his regular demand, the management-respondent did not pay the difference of wages as calculated in the fitment chart and calculation sheet Exhibit 'W1' for the period December, 2011 to December, 2017. The above-mentioned version of AW1 supported with Exhibit 'W1' has gone un rebutted and unchallenged as despite service of notice, the management-respondent did not bother to contest the claim application and preferred to be proceeded against ex-parte. There is no reason to disbelieve the evidence led by the workman-applicant. The workman is entitled to recover the difference of arrears of wages as per the Majithia Wage Board recommendations for the period w.e.f 11.11.2011 to 31.12.2017.

8. In view of the discussion made above, this industrial dispute is ex-parte allowed and answered in favour of the workman to the effect that the workman is held entitled to recover the difference of arrears of wages as per the Majithia Wage Board recommendations for the period w.e.f 11.11.2011 to 31.12.2017. The management is directed to comply with the Award within three months from the date of publication of the same in Government Gazette failing which the management shall be liable to pay interest at the rate 8% per annum on the amount of consequential benefits from the date of this Award till its actual realisation. Appropriate Government be informed. Copy of this Award be also sent to Learned District Judge, Chandigarh in view of Sub-section 10 of Section 11 of the Industrial Disputes (Amendment) Act, 2010 for onward transmission of the same to concerned Civil Court. File be consigned to the record room.

(Sd.) . . . ,

(JAGDEEP KAUR VIRK)

PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0152

Dated : 28.11.2024.

Secretary Labour,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION
DEPARTMENT OF MEDICAL EDUCATION AND RESEARCH

Notification

The 18th October, 2024

No. GMCH/Estate/I-(203)/2024/39708.—In exercise of powers conferred by Rule 22 of the Government Residences (Government Medical College/Hospital, Chandigarh Pool) Allotment Rules, 1996, the Director Principal, Government Medical College & Hospital, U.T., Chandigarh hereby makes the following rules further to amend the Government Residences (Government Medical College & Hospital, Chandigarh pool) Allotment Rules, 1996 namely :-

1. (i) These Rules may be called the Government Residences (Government Medical College & Hospital, Chandigarh Pool) Allotment (Amendment) Rules, 2024.
(ii) These shall come into force with immediate effect.
2. In the Government Residences (Government Medical College/Hospital, Chandigarh Pool) Allotment Rules, vide notification no. (GMC-ME-2.H.Rule)/9625250 dated 19.12.1996, subsequently amended, vide Notification No. GMCH/Estate/I-(203)/2018/43371 dated 12.10.2018 & GMCH/Estate/I(203)/2020/34724 dated 09.09.2020, the following shall be substituted as under :-

Rule No.	Existing	Substituted as
Annexure I	Type III Employees, drawing basic pay of Rs. 13,500/- (10,300+3,200) and above, in the scale of pay applicable with effect from 1st January, 2006.	Type III Employees, drawing basic pay Rs. 19900 to Rs. 56100 (as per level 2 to 9) and above in the scale of pay applicable with effect from 1st April, 2022
Annexure I	Type II Employees drawing basic pay of less than Rs. 13,500/- (10,300+3,200) in the scale of pay with effect from 1st January, 2006.	Type II Employees, drawing basic pay Rs. 19900 to Rs. 56100 (as per level 2 to 9) in the scale of pay applicable with effect from 1st April, 2022 .

(Sd.) . . . ,

Director Principal,
Chairman, HAC, (Upper)

CHANGE OF NAME

I, Shishpal Kumar S/o Amiri R/o House No. 538, Hallomajra, Chandigarh, have changed my minor daughter name from Kajal Jaiswal to Kajal.

[30-1]

मैं, पूनम कुमारी पत्नी शीशपाल निवासी मकान नंबर 1704, हल्लोमाजरा, चंडीगढ़, ने अपना नाम पूनम कुमारी से बदलकर पूजा देवी रख लिया है।

[31-1]

I, Shishpal Kumar S/o Amiri R/o House No. 538, Hallomajra, Chandigarh, have changed my minor daughter name from Shishpal Kumar to Shishapal.

[32-1]

I, Shallu Sharma W/o Abhishek R/o House No. 174, Sector 22-A, Chandigarh, have changed my minor daughter name from Aalma to Aalma Takshak.

[33-1]

I, Shazia Parveen W/o Israr Ahmed # 1442/8, Sector 29-B, Chandigarh, have changed my name to Shaziya.

[34-1]

I, Santosh Maurya S/o Vishwanath Maurya, R/o H. No. 392, Mauli Jagran, Chandigarh, declare that I have changed my name from Santosh Kumar to Santosh Maurya.

[35-1]

I, Avatar Singh S/o Amarnath R/o H. No. 28, Raipur Kalan, Chandigarh, have changed my name to Avtar Singh.

[36-1]

I, Rishabh S/o Santosh Kumar R/o # 1, Type 3, PU Campus, Sector 25, Chandigarh, declare that I have changed my name from Rishabh to Rishabh Kumar.

[37-1]

I, Birju Lal S/o Chander Bhan Rao R/o # 1340, Vikas Nagar, Mauli Jagran, Chandigarh, have changed my name from Birju Lal to Reyansh Kumar.

[38-1]

I, Rajesh Kumar Negi S/o Ram Naresh R/o # 465/1, Sector 40-A, Chandigarh, declare that my Pan Card my father has been mentioned as Naresh Kumar Negi instead of Ram Naresh. Ram Naresh and Naresh Kumar Negi is one and the same person all concerned please note.

[39-1]

I, Sunil Negi S/o Ram Naresh R/o # 465/1, Sector 40-A, Chandigarh, declare that my Pan Card my father has been mentioned as Naresh Kumar instead of Ram Naresh. Ram Naresh and Naresh Kumar is one and the same person all concerned please note.

[40-1]

मैं, नीतू देवी पत्नी श्री मुन्ना कुमार भगत निवासी मकान नंबर 270/सी, गांव किशनगढ़, चंडीगढ़, ने अपना नाम नीतू देवी से बदलकर नीतू कुमारी रख लिया है।

[41-1]

I, Sandeep S/o Phool Chand, H. No. 154, Sector 19-A, Chandigarh, have changed my name from Sandeep to Sandeep Sharma.

[42-1]

I, Sabhawati W/o Uma Shankar # 182/3, Small Flats, Maloya, Chandigarh, have changed my name to Subhawati Devi.

[43-1]

I, Satish Kumari D/o labh Singh R/o House No. 129, Khudda Alisher, Chandigarh, inform that in my Pan card my father name wrongly recorded Labhu Ram. My father correct name is Labh Singh.

[44-1]

I, Salochna Devi W/o Rajan Sharma # 1047, Sector 18-C, Chandigarh, have changed my name from Salochna Devi to Saroj Sharma.

[45-1]

I, Gunmala Jain W/o Pawan Kumar Jain R/o House No. 3831, Sector 32-D, Chandigarh, have changed my name from Gunmala Jain to Mala Jain.

[46-1]

I, Sandeep S/o Phool Chand, H. No. 154, Sector 19-A, Chandigarh, have changed my name from Sandeep to Sandeep Sharma.

[47-1]

"No legal responsibility is accepted for the contents of publication of advertisements/public notices in this part of the Chandigarh Administration Gazette. Persons notifying the advertisements/public notices will remain solely responsible for the legal consequences and also for any other misrepresentation etc."